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SUBJECT: AMBASSADOR CALLS ON GUATEMALAN CONGRESS

Classified By: Amb. James Derham for reasons 1.4 (b) & (d).

11. (C) Summary: The president of the Guatemalan Congress, Jorge Mendez Herburger (JMH), predicted to the Ambassador that Article 98 would be approved "by Halloween." The Ambassador also stressed the need for, and JMH agreed to, legislative action on anti-crime measures, CAFTA implementation, and adoptions. End summary.

12. (C) In his introductory call on JMH September 13, the Ambassador urged the GOG to push for congressional ratification of Article 98 ahead of the Rome Statute. He said we were concerned by reports of a renewed push in the Congress to ratify the Rome Statute. The Ambassador pointed out that Nethercutt Amendment and ASPA sanctions could kick in, suspending ESF and other assistance, if Guatemala ratified the Rome Statute without having ratified first our Article 98 agreement. JMH said he and the Berger Administration understood the need to approve Article 98 before the Rome Statute, and he predicted the Congress would approve Article 98 "by Halloween."

13. (C) The Ambassador noted our appreciation of cooperation to combat organized crime, including narcotics trafficking and alien smuggling. He made a pitch for legislation to authorize modern investigation and prosecutorial tools, such as wiretaps with judicial oversight, controlled deliveries, undercover operations and an anti-conspiracy law. JMH claimed there had been progress on a civil intelligence bill that included wiretap authority. He reported that an Arms and Munitions Bill received its first reading, and he said the Congress had also undertaken some reforms of the judicial system that would reduce the dilatory tactics available to defense lawyers while still providing the necessary safeguards.

14. (C) The Ambassador noted that congressional action would be needed to implement CAFTA. In that connection, he encouraged JMH to consider other legislation to strengthen rule of law and improve the investment climate, including transparency and anti-corruption laws. JMH said the Foreign Trade and Economic Affairs Committee had begun working on CAFTA implementation legislation. He added that the congressional leadership remained committed to pushing a package of "compensatory measures" for those who might be adversely affected by CAFTA.

15. (C) JMH said he had received dozens if not hundreds of e-mails from American citizens who were opposed to new adoptions legislation pending in the Congress. The Ambassador confirmed that the USG continued to support the enactment of adoptions legislation consistent with the Hague Convention on Intercountry Adoptions. JMH noted that the Chairman of the Family and Minors Committee was meeting concurrently with embassy officers.

DERHAM